

## REMARKS

Reconsideration of this patent application is respectfully requested in view of the foregoing amendments and the following remarks.

The amendments to this patent application are as follows. Each of independent claims 13 and 25 has been amended in the next to last line of each claim, to recite that it is the "top surface" of the epitaxial layer on which fewer than 30 LLS defects with a size of more than 0.085  $\mu\text{m}$  can be detected.

The present patent application also includes an Amendment to the Specification in order to amend the second complete paragraph on page 2 of the Specification to recite the terminology "top surface" referring to the epitaxial layer, in order to provide support for the amendment to independent claims 13 and 25.

No new matter has been introduced by this Amendment.

Reconsideration and withdrawal are respectfully requested for rejection of claims 13 to 15 and 25 to 27 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Patent Examiner has alleged that the claims are unclear and indefinite, since it is not clear which surface is being claimed, because a surface could be a top surface or a bottom surface. The Patent Examiner

contends that if it is a bottom surface, then it is not supported. This is because in Exhibit A, Applicant clearly points to the defects on the top surface of the epitaxial layer and not to the bottom surface.


All of the claims now specify that the surface of the epitaxial layer is the "top surface". Thus all the claims, and the present invention, are now in complete compliance with all the requirements of 35 U.S.C. 112. Withdrawal of this ground of rejection is respectfully requested.

A prompt notification of allowability is respectfully requested.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on May 27, 2004.

  
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